

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:14CR65
(Judge Keeley)

CELOT JAY CARR, JR.,

Defendant.

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION
REGARDING PLEA OF GUILTY IN A FELONY CASE
AND SCHEDULING SENTENCING HEARING

On November 7, 2014, defendant, Celot Jay Carr, Jr., ("Carr"), appeared before United States Magistrate Judge John S. Kaull to enter a plea of GUILTY to Count One of the Indictment. Carr stated that he understood that the magistrate judge is not a United States district judge and voluntarily waived his right to have an Article III judge hear and accept his plea and voluntarily consented to entering a guilty plea before the Magistrate Judge.

Based upon the stipulation of the parties to accept the proffer of the government as an independent basis in fact for the plea, the Magistrate Judge found that Carr was competent to enter a plea, that the plea was freely and voluntarily given, that Carr was aware of the nature of the charges against him and the consequences of his plea, and that a factual basis existed for the tendered plea.

On November 10, 2014, Magistrate Judge Kaull entered an Opinion/Report and Recommendation (R&R) Regarding Plea of Guilty In

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Felony Case (dkt. no. 18), finding that a factual basis for the plea existed, and accepting Carr's plea of guilty to Count One of the Indictment. His R&R directed the parties to file any written objections to the R&R within fourteen (14) days after service. It further directed that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court regarding the Order/Opinion. On November 10, 2014, the government responded that it did not have any objections (dkt. no. 19). The defendant did not file any objections.

Accordingly, this Court **ADOPTS** the magistrate judge's R&R, **ACCEPTS** Carr's guilty plea to Count One, and **ADJUDGES** him **GUILTY** of the crime charged in that count of the Indictment.

Pursuant to Fed. R. Crim. P. 11(c)(3)(A) and U.S.S.G. § 6B1.1(c), the Court **DEFERS** acceptance of the proposed plea agreement until it has received and reviewed the presentence report prepared in this matter.

Pursuant to U.S.S.G. § 6A1 et seq., the Court **ORDERS** that:

1. The Probation Officer shall undertake a presentence investigation of **CELOT JAY CARR, JR.** and prepare a presentence report for the Court;

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2. The Government and Carr are to provide their versions of the offense to the probation officer by **December 8, 2014**;

3. The presentence report is to be disclosed to Carr, defense counsel, and the United States on or before **January 22, 2015**; however, the Probation Officer is not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e)(3);

4. Counsel may file written objections to the presentence report on or before **February 5, 2015**;

5. The Office of Probation shall submit the presentence report with addendum to the Court on or before **February 19, 2015**; and

6. Counsel may file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the factual basis from the statements or motions, on or before **March 5, 2015**.

Magistrate Judge Kaulf remanded Carr to the custody of the United States Marshal Service.

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The Court will conduct the sentencing hearing for Carr on Monday, March 9, 2015 at 10:30 A.M. at the Clarksburg, West Virginia point of holding court.

It is so ORDERED.

The Court directs the Clerk of Court to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: November 25, 2014

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE